

APPROVED: Meeting No. 26-95

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 10-95

February 13, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 13, 1995, at 7:35 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Manna Food Center is in need of non-perishable items to distribute to the needy. This is a particularly difficult time of year for the Center and help is needed. Residents may drop off food donations at 614 Lofstrand Lane or call 424-1130 to contribute non-perishables.

2. Mr. Kuckkahn thanked all the employees who were involved in the recent snow removal effort, and especially those who worked in the early morning hours to remove snow. A variety of City departments were involved in the effort--Purchasing and Contracts Division, Department of Public Works and the Recreation and Parks Department.

3. Residents who reside on cul-de-sacs are reminded to remove vehicles off their streets in the event of a storm so that snow removal crews can enter the cul-de-sacs.

Increased efforts have been made to notify residents about removing snow and ice from sidewalks; the residents and business community responded by clearing their walks in a timely manner. Staff will continue to work to improve the response rate and is confident that success will be made in motivating persons to keep their walks clear.

4. The City was named a recipient of a Federal Grant under the Crime Bill Cops FAST Grant. The Program will allow the City to apply for Federal funding and add a police officer to the force in Fiscal Year 1996.

5. On January 28, 1995 the Maryland Municipal League voted to select Rockville as its 1996 Fall Legislative Conference site. Two major conferences are conducted by the League each year; the annual convention in Ocean City and the Fall Legislative Conference which is held in different locations throughout the State.

6. The Cabin John Watershed Study is in final draft form and is available from the Department of Public Works. On March 9, the City will hold a public informational meeting on the Study.

7. The City's new Summer Camps Guide is now available. The Mayor and Council requested that the Camp Guide be a separate publication from the annual Spring Guide and, as a result, it is available one month earlier. The document provides visibility for 27 summer camps including sports, science, arts, and theater. Residents will be able to mail in their registrations (by 2/24/95), or register in-person on March 6. Registrations may also be faxed to the City on February 24.

8. The City Manager Selection Committee is seeking the community's input on what they would like to see in a new city manager. Persons may write or fax their comments by February 23 and can also call in their comments to a recorded voice mail line,

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number 309-3082. The Committee is also holding a public forum on February 16 at 7:30 p.m.

Mayor Coyle thanked staff for coordinating the farewell reception held on February 12 for Bruce Romer. The Mayor noted that the event was a very nice affair with over 250 persons in attendance.

Re: Black History Month
Presentation.

Anthony Cohen, a Historian and the Author of "The Underground Railroad in Montgomery County: A History and Driving Guide," gave a presentation on the City of Rockville's role in the Underground Railroad. Mr. Cohen's booklet is available from the Montgomery County Historical Society.

Re: Citizens Forum - This time
is set aside to hear from any
citizen who wishes to
address the Mayor and
Council.

1. Robert Turner, Chairperson, Sign Review Board spoke about the proposed adoption of an ordinance amending Chapter 5 to authorize modifications from the limitation on signs within the Rockville Pike building restriction lines. He said the Board believed that there should be a mechanism to grant variances within the building restriction line. Mr. Turner also said that when there was a desire to do optional development along the Pike, the Planning Commission could take a look at the request for variances as part of the entire development package. For most purposes, the Board attempted to apply consistency to their practices and had a history of doing so City-wide. He pointed out that if the responsibility for granting sign variances was divided between the two commissions, the Board would lose

that consistency. Mr. Turner said the Board believed they should have the authority to grant variances except in situations where the development was under the optional development procedure.

Councilmember Marrinan noted Mr. Turner's pending reappointment to the Sign Review Board and he thanked Mr. Turner for offering to serve the City again. He also complimented the Board on its objectivity and commended the Board on its contributions to the quality of life in Rockville.

2. Jerry Loux, Chairman, Planning Commission said the Planning Commission reviewed the proposed ordinance and the modifications to it which, as currently written, authorized the Sign Review Board to grant modifications for signs on Rockville Pike. After significant discussion, the Commission determined there was no real intent from that to allow modification to the Board; the building restriction line was appropriate for Rockville Pike and should be retained. Given that consideration and other scenarios which occurred, it was important to allow only a modification for those properties which might fall within the optional method of development within the RPC Zone. For that reason, the Commission drafted changes to the text amendment and presented it to the Traffic and Transportation Commission, the Board and the Economic Development Council; two out of the three groups agreed. Mr. Loux said that the revised staff version of the language in the proposed ordinance clearly stated the Commission's intent and clarified the issue for the Congressional North/Federal Realty property. The Commission recommended that the Mayor and Council approve the revisions and that Congressional's sign be approved so as to allow the owners to proceed. He added that the revision also gave the Commission and the Urban Design Review Committee the ability to properly maintain Rockville Pike. Mr. Loux noted a letter received

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from Senator Jennie Forehand who served on the Board 25 years ago. She reaffirmed that it was not the Board's intention to allow variances because of a concern about the proliferation of large signs closer to the street.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Robert Turner was reappointed to serve on the Sign Review Board.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Dana Hesse was reappointed as a member of the Sign Review Board.

Re: Approval of Minutes

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Minutes of Meeting No. 35-94 (November 28, 1994) were approved, as amended.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Minutes of Meeting No. 36-94 (December 12, 1994) were approved as amended.

Re: Staff Report on the Private Industry Council's Summer Youth Employment Program Application.

Community Service Program Manager Mary Lou Jacobs said that the City received an invitation from the Montgomery County Private Industry Council (PIC) to again participate in PIC's Summer Youth Employment Program. Ms. Jacobs explained that the program provides funds for an additional source of employment and training for 40 high school youths. In 1994, the Department of Community Services operated a successful summer youth employment program in cooperation with the City's Recreation and Parks

Department, Hispanics United for Rockville (HUR), Rockville Housing Authority (RHA), and the Southern Christian Leadership Conference (SCLC). PIC provided the City with \$25,486 to cover out-of-pocket costs for operating the program. Except for in-kind contributions provided by the City (e.g., space, van transportation, work site supervisors and administrative oversight), there was no cost to the City for the program which employed 40 students. In 1995, the Community Services Department proposes a similar program which would again involve collaboration between the Department, Recreation and Parks, HUR, RHA, and SCLC. In addition, Ms. Jacobs said that Community Services would be requesting funds to hire a coordinator to handle placements and an instructor to teach basic academic remediation classes. Staff is anticipating that greater than half of this year's participants will be Rockville residents.

Councilmember Marrinan questioned if there was a way to establish priorities so that only Rockville residents could participate in the program. Ms. Jacobs said that while it was the City's priority to ensure that as many Rockville residents knew about and qualified for the program, the funding from the County did not recognize geographic restrictions on enrollment.

Councilmember Krasnow pointed out that since it would be the City's Community Services Department administering the program, the City should ensure that its residents participated in it. Ms. Jacobs said the income eligibility requirements for the program were fairly low (e.g. a family of four's total income in 1994 could not exceed \$18,700), and as a result, a number of Rockville residents did not qualify. Ms. Krasnow commented that the City was not notified until late that it had received the funds from the County and she stressed that the Department should not hire any additional staff until the

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funds were approved. Ms. Jacobs said that staff planned to renegotiate the contract with the County which should simplify the notification process. Ms. Krasnow asked if there was any follow-up to the complaints raised by some students last year about having to go to classes of instruction and she asked whether the same courses were being offered in 1995. Ms. Jacobs said that staff was exploring creative ways for doing academic remediation work, and they were hoping to design a course that would allow students to practice reading and writing through a film project. In addition, HUR was encouraged to develop an intermediate level computer class for the students who were involved in classes last summer.

Gwen Tolbert, Executive Director of Rockville Housing Authority reported that RHA's Family Self-Sufficiency Coordinator Jacqueline Brooks would be working closely with Community Services on getting notice out to the residents who qualified for the program.

Re: Adoption of Ordinance to amend Chapter 5 of the Rockville City Code entitled "Buildings and Building Regulations" so as to amend Article II, "Building Restriction Lines," Section 5-18 "Exceptions" to authorize modifications from the limitation on signs within the Rockville Pike building restriction lines.

Ordinance No. 02-95

Linda MacDermid, Chief of Inspection Services said that she attended recent meetings with the Planning Commission, Economic Development Council, Traffic and Transportation Commission, and Sign Review Board. The Planning Commission came up

with an excellent suggestion for a modification for the Building Restriction Line Ordinance which was then presented to the other boards and commissions. Everyone, with the exception of the Sign Review Board, supported a portion of the Planning Commission's recommendation. Ms. MacDermid said staff reviewed the Planning Commission and Sign Review Board's suggestions and have suggested a modification to the language recommended by the Planning Commission. She said the modification would provide for variances within the building restriction line area for the sign area and the number of signs, but not for the height. When a sign was proposed, it would have to meet the height restrictions for the set-back from the property line.

Councilmember Dorsey questioned that with the emphasis on the height, why there was no discussion regarding width or length. He said his concern was based on the possibility of a driver's vision being impaired by a long, low sign. He asked if the compromised language allowed for adequate control of the length or width of the sign. Ms. MacDermid said the set-back would basically be for the height from the property line so that the further back from Rockville Pike the sign was, the higher it would be allowed. She said the length would not be as critical in the sight distance as it is from the front edge of the sign to the street. Ms. MacDermid also said that the Urban Design Committee and the Planning Commission would review the sight line distance, and the Traffic and Transportation Commission and the City's Traffic Engineer generally reviewed these as well. Mr. Dorsey also said that when he read the proposed language from the Planning Commission, the Board's proposed language, and the language recommended by staff, he did not see either the Board's or the Commission's recommended language, and he asked if the spirit of what both groups were attempting to do was accommodated by the final recommended language in the

ordinance. Ms. MacDermid said that this would be difficult to do because the Sign Review Board wanted to have the authority to review the variances and the Planning Commission wanted this same authority and it was not possible to provide for both groups to do so. She said staff saw the issue as a much larger one than a sign issue--it had more to do with planning and urban design issues and the signs affected would only be those along Rockville Pike. She said there was currently a built-in variance in the Building Restriction Line Ordinance for bringing signs closer to the property line than the 37.5 foot normal set-back. When a property owner felt that they needed more than what the variance provided, they would be able to go to the Planning Commission if they were operating under an optional method development review and request a variance so they could provide a larger, however not taller, sign closer to the property line.

Mr. Dorsey said that in a certain area along the Pike, it made sense that the Planning Commission handle those signs and all other signs in the City would go before the Sign Review Board. However, he said when he read the ordinance language, he did not see this. Staff confirmed that the language did reflect this.

Councilmember Krasnow said she had some similar concerns about the language; she noticed that staff had written "The Commission's ordinance amendment would not permit more than one sign to encroach by variance within the building restriction line area, although there is no indication that the Commission intended to place a limit..."

Ms. Krasnow said that nothing that she had read referred to one or two signs. Ms. MacDermid acknowledged that she did not include all of the language in subsection (b) in Chapter 5 which stated that one sign may encroach within the building restriction line area, subject to height and area limitations. The Commission's original proposed language allowed

the Commission to grant modifications to the area limitation but not the height limitation of subsection (b). Because the language was so specific, the ability to grant a variance to the number of signs that could occur within the building restriction line area was excluded. The recommended language was less restrictive and allowed the Commission to grant modifications to the provisions of subsection (b)--the number of signs as well as the area, but not the height.

Councilmember Marrinan asked about the impact on Federal Realty, whose plans called for placing the sign 10 feet from the property line; however, under the ordinance, they had to place it 15 feet. Gary Klacik, representing Federal Realty, confirmed that Federal Realty was aware of the change and he said they would be able to accommodate it.

Councilmember Krasnow addressed Mr. Turner's earlier comments and said when the issue first came up, she looked at the Sign Ordinance and it was clear that the Board was intentionally excluded from having authority over Rockville Pike. She said she had no problems with a small area of responsibility going to a different commission because developers are supposed to have their signs planned when they come to the Planning Commission for an Optional Development Review, and she said that it made sense that the Planning Commission have that authority over the signs.

Councilmember Weisbroth said there was a historical precedent for the decision being made to adopt the ordinance. Senator Forehand's letter to the Mayor and Council addressed the issue and there was deliberate consideration about signage along Rockville Pike as the community did not desire a proliferation of signs. Yet, she said, it was recognized that there may have to be some flexibility with developers who may need to get

signs closer to the road. She said they wrote a code specifically to handle this and this Mayor and Council were, in fact, making no change. They were keeping things the same and were acknowledging that under large development, there may need to be some greater flexibility with signs. Ms. Weisbroth said she appreciated the efforts of everyone who reviewed the proposed ordinance and she felt that an appropriate solution was developed.

Mr. Marrinan added that the only two properties to date who were affected by the ordinance amendments were Congressional Plaza and the Marlo Furniture store.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, an amendment to substitute the language as recommended by staff, was adopted.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance, as amended, was adopted. A copy of Ordinance #02-95 can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Staff Report on Rockville
Arts Place (RAP).

Recreation and Parks Director Burt Hall gave an overview of the comprehensive report on the status of Rockville Arts Place (RAP). The Report, a copy of which is attached hereto and incorporated as part of this record, was prepared by Kathleen Moran, the City's staff liaison to RAP. Mr. Hall said the report fulfilled the requirements outlined in the City's contract with RAP for a formal review to take place of RAP's operations and financial status from July 1 through December 31, 1994. The report was presented in four sections:

- I. Status of the City of Rockville/RAP Agreement Terms
- II. RAP Financial Summary

- II. Current Status of RAP staff, programming, and facility
- IV. Recommendations for the immediate future and long-range planning of the Rockville Arts Place

Mr. Hall said staff recommended that the City continue a formal contractual relationship with RAP and continue to provide financial and in-kind support.

Mayor Coyle thanked Mr. Hall and his staff for their leadership in helping to steady the situation at RAP which gave the Mayor and Council a degree of confidence that RAP was well worth the investment the City made.

Councilmember Krasnow complimented RAP on its current running show on Black Art which she said was receiving very favorable reviews. Ms. Krasnow said she was pleased that the report showed a major turnaround from a year ago. In response to Ms. Krasnow's question, Executive Director Christine Adams reported that the Art For A Steal Fundraiser will be held on May 19. RAP was also working with Peerless Rockville on the Progressive Dinner scheduled for May 20.

Councilmember Krasnow expressed concern about the percentage of funding the City provided to RAP. She said that RAP was actively engaged in recruiting outside funds and it was expected that RAP would be a County or region-wide facility. However, she said the City was a major funding source and it was important that there be Rockville members and be increased community involvement (e.g., corporate and bank executives) on the board and she hoped that these efforts would continue. Ms. Adams noted that RAP recently joined the Rockville Chamber of Commerce.

Councilmember Marrinan said RAP's report was a success story and displayed a remarkable job done by everyone. He asked about the status of RAP's strategic plan which

was not completed yet. Ms. Adams responded that the delay was due to the revisions in the goals of the Plan being made by the Board.

Councilmember Weisbroth offered her congratulations to RAP and asked that Mr. Kuckkahn provide the Mayor and Council with a status report on the plans to decrease the amount of funding the City provided to RAP in accordance with the contract.

Re: Video presentation of
"Rockville's Community
Enhancement: Safety and
Value by Design."

The Mayor and Council were shown a new Cable 53 program entitled "Rockville's Community Enhancement: Safety and Value by Design," a program about the Inspection Services Division's community enhancement program.

Re: FYI/Correspondence

1. Councilmember Marrinan noted FYI Item #4, regarding planned improvements to the system for protecting residential streets from excessive traffic demand by using signage. He commented that this was a good idea and he asked what the time frame was for erecting the signs. Mr. Kuckkahn responded that changes would begin to take place in May.

2. Councilmember Weisbroth noted the implementation of a City Hall Greeters Program. She pointed out that due to budget cut-backs, the City lost some of the front desk staff. However, through the Greeters Program, senior volunteers have offered to serve as Greeters to help greet and direct citizens visiting City Hall.

Re: New Business

1. Public Hearing Guidelines for Exploratory Application RTH94-0013.

Councilmember Krasnow noted that when the matter was heard by the Planning Commission,

the applicant took a great deal of time to make his presentation and the citizens who had attended the hearing could not testify until 10 p.m. She suggested that the Mayor and Council consider establishing a time limitation on the applicant's presentation and allow an option for him to continue at the end of the hearing. Following discussion, staff was asked to develop some working guidelines for the conduct of the upcoming Public Hearing.

2. Councilmember Marrinan reported on two issues before the Council of Governments (COG) Board of Directors: (a) It appears that funding is in question for the National Capitol Poison Center for next year, and unless new funding was secured by July 1st of this year, the Center would be abolished. Mr. Marrinan said that efforts were being made in the legislature to secure funding and the Mayor and Council may be asked in the future to send letters of support. (b) Mr. Marrinan reported that the City of Rockville's activities are mentioned in the COG Directory of Anti-Violence Activities. The three anti-violence programs identified are the Code Blue Program, Youth Stand Against Violence, and the End Violence...Now Campaign.

Re: Next Meeting

The Mayor and Council will meet in Worksession with the Cultural Arts Commission and the Historic District Commission on February 14, 1995 at 7:30 p.m.

Re: **BUDGET WORKSESSION**
- Presentation by Acting
City Manager and Director
of Finance: Preliminary
Review of Fiscal Year 1996
Budget.

Other staff in attendance were Assistant City Manager Cheryl Lampkin,
Finance Director Kevin Deckard, and Community Development Director Neal Herst.

Mr. Kuckkahn gave a preliminary review of key budget issues for the proposed Fiscal Year 1996 budget. The proposed General Fund Budget is \$29,985,072; the General Fund Budget adopted in June 1994 was \$29,930,244 and this fiscal year's budget reflects an increase of 0.2 percent over FY95. Mr. Kuckkahn noted that the projected property tax rate for FY96 is \$0.82 per \$100 of assessed valuation. The FY96 proposed rate for water is \$1.42 and the proposed FY96 rate for sewer will reflect an increase of \$0.18 in order to accommodate the water and sewer costs passed on by Blue Plains. Refuse rates will be kept at the FY95 level. Staff was looking into options for dealing with sludge waste and are also looking at water saving measures in order to avoid expanding the City's water plant. There has been an overall decline of approximately one percent in the assessed valuation of commercial and residential real estate. Unemployment is stable at 3 percent. There is somewhat of a decline in hi-tech industry personal property taxes, and a high-tech corporate tax cut being proposed by Governor Glendening will certainly affect Rockville. In the office market area, staff is committed to being more pro-active. Assessments on the City's office buildings continue to decline, however, new businesses are moving in and the City's vacancy rate is one of the lowest in the area. In addition, staff is attempting to attract other types of industries, i.e., professional associations. Mr. Kuckkahn noted the following additional budget issues for FY 1996.

- Public Works Reorganization - By cross training staff, the number of Public Works employees was reduced from 136 in 1993 to 114 employees in 1995.
- Human Rights Services Policy - Community mediation training sessions with staff will take place throughout the month of March. The change in the City's human rights service policy and the move into community mediation will take

place in FY96. The number of Human Rights Commission members will remain at eleven.

- Outside Agency Requests - Staff is firming up requests received for FY96. Peerless Rockville has requested \$35,000. Councilmember Krasnow noted that the FY96 requests total \$50,000 more than those in FY95.
- Cops FAST Grant - The City was recently notified that the Police Department was named as a recipient of a Federal Grant under the Crime Bill. However, Councilmember Marrinan noted that there were efforts by Congress to rescind this grant.
- City Technology Developments - Staff is expanding into a wide-area network in the Fall of 1996 and is proposing to go into E-Mail. In addition, the City is being considered for Interactive Television in 1998.
- Changing Demographics - The City's population is aging, as is the trend in many areas of the U.S. Thoughts may have to be focused on programs that are geared towards senior populations. Rockville's American Indian, Asian/Pacific Islander, and Hispanic populations increased dramatically in the 1980s. Mr. Deckard noted that the City may need to conduct a comprehensive community survey to help the City prioritize the services that residents value. Mayor Coyle pointed out that it would be important for people to understand exactly what services they get from the property tax dollars and other sources of revenue.

Re: Adjourn

There being no further business to come before the Mayor and Council, the Worksession was adjourned at 10:29 p.m. to reconvene immediately following in Executive Session.

Re: Executive Session

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed with Mayor Coyle, Councilmembers Dorsey, Krasnow, Marrinan, and Weisbroth voting aye, the Mayor and Council moved to convene in Executive Session, pursuant to Section 10-508(a)(1)(ii) and (4) of the State Government Article, Annotated Code of Maryland.